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Attorneys for The Association of Pool And Spa Professionals

d/b/a Pool & Hot Tub Alliance; and The Pool & Hot Tub Foundation

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

WATERSHAPE, INC. d/b/a WATERSHAPE
UNIVERSITY, a California Corporation,

Plaintiff

v.

THE ASSOCIATION OF POOL AND SPA
PROFESSIONALS d/b/a POOL & HOT TUB
ALLIANCE, a Virginia Nonstock Corporation,
POOL & HOT TUB FOUNDATION d/b/a
GENESIS 3, INC., d/b/a Genesis, a District of
Columbia Nonprofit Corporation, and DOES 1-50,

Defendants.

Case No. 2:23-cv-00466-JCM-EJY

**STIPULATION AND ORDER TO
BRIEFLY STAY DISCOVERY AND TO
EXTEND DEADLINE TO FILE
PROPOSED DISCOVERY PLAN &
SCHEDULING ORDER**

(First Request)

Pursuant LR 7-1, LR IA 6-1, and LR IA 6-2, the parties stipulate to: (1) briefly stay discovery pending the resolution of Defendants' Motion To Dismiss (ECF No. 7); and (2) extend the time for the parties to file a proposed discovery plan and scheduling order. The parties agree and respectfully submit that good cause exists for this stipulation based on the following:

1. Courts have broad discretionary power to control discovery. *Little v. City of Seattle*, 863 F.2d 681, 685 (9th Cir. 1988). Moreover, when deciding whether to grant a stay of discovery, a court is guided by the objectives of Federal Rule of Civil Procedure 1 that ensures a "just, speedy, and inexpensive determination of every action." *Id.* Courts evaluating the propriety of a stay have cautioned against the use of resources that may be rendered unnecessary, noting the simple, but accurate principle: "Discovery is expensive." *Tradebay, LLC v. eBay, Inc.*, 278 F.R.D. 597, 601 (D. Nev. 2011).

2. On May 8, 2023, Defendants filed a *Motion To Dismiss And To Compel Arbitration* (“Motion”)(ECF No. 7). Defendants’ Motion seeks enforcement of a contractual arbitration provision.

3. Plaintiff filed its Opposition to the Motion on May 30, 2023 (ECF No. 11).

4. Defendants filed their Reply to the Motion on June 13, 2023 (ECF No. 14).

5. Counsel for the parties have met and conferred about Defendants’ Motion, discovery and LR 26-1.

6. The parties desire to preserve resources and avoid the considerable expense of discovery while this Court resolves Defendant’s Motion to Dismiss (ECF No. 7) and determines whether the action should be arbitrated. Therefore, the parties believe that stay of discovery is reasonable under the circumstances.

7. This stipulation is made in good faith and for good cause, and not for any purpose to delay.

8. The parties further agree that this stipulation does not operate as any admission or waiver of any claim or defense by Plaintiff or Defendants.

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9. Depending on the outcome, the parties further agree that they will confer and submit a proposed discovery plan and scheduling order within 15 days of the Court's determination of Defendant's Motion to Dismiss (ECF No. 7).

Dated: June 16, 2023

PROCOPIO, CORY, HARGREAVES & SAVITCH LLP

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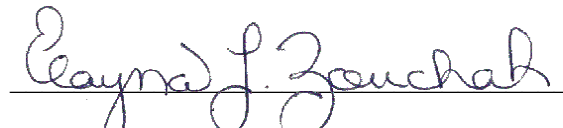
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IT IS SO ORDERED:



UNITED STATES MAGISTRATE JUDGE

Dated: June 16, 2023